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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

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LINDA HORAN and JOSHUA JOFFE,

For Online Publication Only

Plaintiffs,

-against-

ORDER

18-CV-1286 (JMA) (ST)

DAMARIS VIEIRA a/k/a DAMARIS
RODRIGUEZ VIEIRA and
REMY D. LEHNER,

Defendants.

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AZRACK, United States District Judge:

Plaintiffs Linda Horan and Joshua Joffe (“Plaintiffs”) brought this action against Damaris Vieira and pro se Remy D. Lehner (“Defendants”) on February 28, 2018, alleging counts for fraud and aiding and abetting fraud, breach of fiduciary duty, and aiding a breach of fiduciary duty. (ECF No. 1.) Plaintiffs moved for summary judgment on their claims for breach of fiduciary duty and aiding a breach of fiduciary duty, and Vieira filed a Cross-Motion for Summary Judgment as to Plaintiffs’ claims for aiding and abetting fraud and breach of fiduciary duty. I referred these motions to Magistrate Judge Tiscione for a report and recommendation on January 4, 2021. Judge Tiscione issued a report and recommendation dated March 12, 2021, recommending that Plaintiffs’ Motion for Summary Judgment be denied and Vieira’s Cross-Motion for Summary Judgment be granted (the “R&R”). (ECF No. 60.)

In reviewing a magistrate judge’s report and recommendation, the Court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The Court “may accept, reject, or modify, in

whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

To date, no objections have been filed to the R&R and the deadline for filing any such objections has passed. I have reviewed Judge Tiscione’s R&R for clear error and, finding none, I hereby adopt Judge Tiscione’s comprehensive and well-reasoned R&R as the opinion of the Court. Accordingly, the Court **GRANTS** Vieira’s Cross-Motion for Summary Judgment and **DENIES** Plaintiffs’ Motion for Summary Judgment.

SO ORDERED.

Dated: March 30, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE